1

2

                        UNITED STATES DISTRICT COURT
                        EASTERN DISTRICT OF WASHINGTON

3   UNITED STATES OF AMERICA,   )
)   NO. CR-07-2074-WFN
4   Plaintiff,   )
)   ORDER GRANTING DEFENDANT'S
5   v.   )   MOTION TO RECONSIDER RELEASE
)   CONDITIONS AND ORDER SETTING
6   THOMAS JIM SHIPPENTOWER,   )   CONDITIONS OF RELEASE
)   FOLLOWING BAIL REVIEW
7   Defendant.   )   HEARING **(Ct. Rec. 21)**
    _____)

8   On February 1, 2008, this court held a bail review hearing.

9   The government was represented by Thomas Hanlon and defendant was

10 present with counsel, Rick Hoffman.

11   The defendant moved for reconsideration of defendant's

12 conditions of release pending trial.

13   The court **granted** defendant's motion for reconsideration of

14 release conditions. **(Ct. Rec. 21)**

15   Counsel for the defendant requested defendant's release

16 stating there are conditions that could be imposed which would

17 assure defendant's appearance as required and/or safety of the

18 community.

19   U.S. Probation recommended terms with conditions for

20 Defendant's release. The government opposed release.

21   The court further finds the government has not established by

22 the required clear preponderance of evidence an absence of

23 condition or conditions that would reasonably assure this

24 defendant's presence at trial.

25   The court further finds the government has not established by

26 clear and convincing evidence that there are no conditions that

27 could be imposed which would protect community safety.

28 ORDER GRANTING DEFENDANT'S MOTION TO
    RECONSIDER RELEASE CONDITIONS AND ORDER
    SETTING CONDITIONS OF RELEASE
    FOLLOWING BAIL REVIEW HEARING - 1

1   Upon receipt of the A. O. Form 199C, it is **ORDERED** that the

2   U.S. Marshall shall release defendant from custody.

3   **IT IS FURTHER ORDERED,** that the release of the defendant is

4   subject to the following conditions:

5   1. The defendant shall not commit any offense in violation of

6   federal, state or local law. If the defendant does have contact

7   with law enforcement, the defendant shall contact her attorney and

8   U.S. Probation within 24 hours.

9   2. The defendant shall advise the court and the U. S.

10   attorney in writing before any change in address.

11   3. The defendant shall appear at all proceedings as required

12   and shall surrender for service of any sentence imposed as

13   directed.

14   4. The defendant shall sign and complete form A.O. 199C

15   before being released and shall reside at the address furnished.

16   5.   The defendant shall remain in the Eastern District of

17   Washington while the case is pending. On a showing of necessity,

18   the defendant may obtain written permission from U.S. Probation to

19   travel outside the Eastern District of Washington.

20   6.   The defendant shall maintain or actively seek

21   employment.

22   7. The defendant shall not possess a firearm, destructive

23   device or other dangerous weapon.

24   8. Defendant is further advised, pursuant to 18 U.S.C. §

25   922(n), it is unlawful for any person who is under indictment for

26   a crime punishable by imprisonment for a term exceeding one year

27   to ship or transport in interstate or foreign commerce any firearm

28   ORDER GRANTING DEFENDANT'S MOTION TO
RECONSIDER RELEASE CONDITIONS AND ORDER
SETTING CONDITIONS OF RELEASE
FOLLOWING BAIL REVIEW HEARING - 2

or ammunition or receive any firearm or ammunition which has been
shipped or transported in interstate or foreign commerce.

   9. The defendant shall refrain from the use of any alcohol,
and the use or possession of a narcotic drug and other controlled
substances defined in 21 U.S.C. § 802 unless prescribed by a
licensed medical practitioner. Defendant shall submit to
urinalysis/breathalyser testing no more than six times per month.
Defendant shall be responsible for the cost of testing, evaluation
and treatment unless the United States Probation Office should
determine otherwise. The United States Probation Office shall
also determine the time and place of testing and evaluation and
the scope of treatment but shall only conduct any testing at a
public facility.

   10. The defendant shall phone his attorney at least once per
week and as directed.

   11. The defendant shall report to the United States
Probation Office within 24 hours of his release and shall report
at such times and in such manner as they direct.

   12. The defendant shall post a $20,000 percentage bond with
a $2,000 deposit which must be posted prior to defendant's
release.

   13. Defendant's pending warrant must be cleared prior to his
release.

   14. The defendant shall undergo a substance abuse evaluation
prior to his release and shall complete treatment as directed by
the evaluation. If in-patient treatment is required, defendant
shall only be released directly into the in-patient treatment

ORDER GRANTING DEFENDANT'S MOTION TO
RECONSIDER RELEASE CONDITIONS AND ORDER
SETTING CONDITIONS OF RELEASE
FOLLOWING BAIL REVIEW HEARING - 3

1 facility.

2   15. The defendant shall have no contact with the alleged

3 victim in this matter, either directly or indirectly.

4   16. The defendant shall have no contact with any minor

5 females without a responsible adult being present.

6   17. The defendant shall stay away from the school located

7 near his home.

8   **You are advised that a violation of any of the foregoing**

9 **conditions of release may result in the immediate issuance of a**

10 **warrant for your arrest, revocation of your release and**

11 **prosecution for contempt of court which could provide for**

12 **imprisonment, a fine or both. Specifically, you are advised that**

13 **a separate offense is established by the knowing failure to appear**

14 **and that an additional sentence may be imposed for the commission**

15 **of a crime while on this release. In this regard, any sentence**

16 **imposed for these violations is consecutive to any other sentence**

17 **you may incur.**

18   DATED this 1st day of February, 2008.

19

20   S/James P. Hutton
                            JAMES P. HUTTON
21   United States Magistrate Judge

22

23

24

25

26

27

28 ORDER GRANTING DEFENDANT'S MOTION TO
   RECONSIDER RELEASE CONDITIONS AND ORDER
   SETTING CONDITIONS OF RELEASE
   FOLLOWING BAIL REVIEW HEARING - 4